

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Nextel Communications, Inc.)	File Nos. 0000716009
)	0000812223
Request for Reinstatement of)	
License and Renewal and)	
Modification Applications)	
Call Sign WNHV468)	

ORDER

Adopted: November 13, 2002**Released: November 14, 2002**

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On April 22, 2002, Nextel Communications, Inc. (Nextel) filed a petition for reinstatement (Petition) of the above-captioned license for station WNHV468. For the reasons discussed below, we dismiss the Petition at moot.

2. On August 21, 2001, Fred Hills Materials, Inc. (FHMI) filed an application for consent to assign the license for station WNHV468 to Nextel (Assignment Application).¹ While the assignment application was pending, on December 26, 2001, FHMI filed a timely application to renew the license for station WNHV468 (Renewal Application).² FHMI and Nextel completed the assignment transaction on January 25, 2002, and Nextel filed a notification of consummation of the assignment on February 1, 2002.³ The Commercial Wireless Division's Licensing and Technical Analysis Branch (Branch) approved the consummation on February 2, 2002. Apparently unaware of the assignment to Nextel, the Branch erroneously dismissed the Renewal Application on February 13, 2002, because FHMI was no longer associated as the licensee with the station.

3. On March 15, 2002, Nextel filed a modification application to convert station WNHV468 from private to commercial operations (Modification Application).⁴ Because FHMI's Renewal Application had been dismissed, Commission records indicated that the station had expired on January 13, 2002, and the Branch dismissed the Modification Application on March 19, 2002.

4. Subsequently, the Branch became aware of the errors and, on its own motion, reversed the dismissals of the Renewal and Modification Applications on April 16, 2002, and April 17, 2002, respectively, and returned each application to pending status. The Branch renewed the license for station WNHV468 on April 16, 2002 because it was timely filed and granted the Modification Application on May 24, 2002. We therefore dismiss Nextel's Petition as moot.

¹ File No. 0000566947.

² The license expiration date for station WNHV468 was January 13, 2002.

³ File No. 0000756320. See 47 C.F.R. § 1.948(d) (requiring all Wireless Radio Services licensees to notify the Commission of consummation of an approved transfer or assignment).

⁴ File No. 0000812223.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the petition for reinstatement filed by Nextel Communications, Inc. on April 22, 2002, IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy & Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau